

Article - Public Safety

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§13A–908.

(a) (1) Decisions of a court–martial are from a court with jurisdiction to issue felony convictions and appeals are to the Court of Military Appeals.

(2) The Court of Military Appeals shall follow the federal Manual for Courts–Martial and procedures as provided by the court of criminal appeals for the service of the defendant.

(3) The court shall have three judges present to convene.

(4) The Chief Judge may convene the court and may appoint alternates.

(5) The court has the authority to adopt a seal.

(b) (1) The Governor shall:

(i) appoint up to 10 judges, but at least three, to the court for 5–year terms; and

(ii) appoint one judge as Chief Judge.

(2) Judges are not limited to one term.

(3) Judges should have demonstrated experience in military law and be a member of the Maryland Bar.

(c) The Court of Military Appeals shall have power over:

(1) the issuance of extraordinary writs relative to all matters arising under:

(i) the provisions of this title;

(ii) the Uniform Code of Military Justice;

(iii) any regulation issued by the Governor pertaining to members of the Maryland organized militia; and

(iv) court–martial actions pending before any military judge of the Maryland Military Department;

(2) adjudicating appeals by victims as described in § 13A–105 of this title; and

(3) adjudicating appeals of sentences of a court–martial that have been approved by the convening authority, which may include:

(i) dismissal, in the case of a commissioned or warrant officer;

(ii) dishonorable discharge, in the case of an enlisted person;

(iii) bad–conduct discharge, in the case of an enlisted person;

(iv) forfeiture of all pay and allowances; and

(v) any confinement.

(d) (1) An appellant must petition the court for review, which is a right on request.

(2) There is no automatic review of sentence.

(3) An appellant may waive the right to review.

(e) The Maryland National Guard State Judge Advocate shall:

(1) provide a full–time clerk for the court whose office shall be located with the Maryland National Guard Headquarters; and

(2) provide administrative support for appellate judges, as required.

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